APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,592	07/24/2001	Ralph S. Hoefelmeyer	COS-00-019	3657

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EXAMINER
CHEN, SHIN HON

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/911,592	HOEFELMEYER ET AL.
	Examiner	Art Unit	
	Shin-Hon Chen	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 May 2005</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>7/24/01</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/2/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-15 have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 3, 5, 8, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hypponen et al. U.S. Pub. No. 20030191957 (hereinafter Hypponen) in view of Hodges et

al. U.S. Pat. No. 6035423 (hereinafter Hodges).

4.   As per claim 1, Hypponen discloses a network security system to be deployed between a

plurality of network (intranet) belonging to respective organizations and an internet backbone,

comprising: a scanning system coupled to the network (intranet) for scanning incoming

electronic mail for malicious code (Hypponen: [0005]-[0013]: the transit node is one of database,

an electronic mail server...); and a switch coupled between the internet backbone, the scanning

system, and the anti-virus server, said switch configured for: directing incoming electronic mail

from the internet backbone to the scanning system (Hypponen: [0005]-[0013]: the e-mail server).

Hypponen does not explicitly disclose an anti-virus server coupled to the network (intranet) for

downloading anti-virus code to clients coupled to the network (intranet). However, Hodges

discloses a central anti-virus server that downloads anti-virus code to clients (Hodges: column 4

lines 47-59). It would have been obvious to one having ordinary skill in the art to have multiple

servers performing different virus-related tasks that are coupled to the network (intranet) in order

to protect clients from virus. The motivation for the teachings of Hodges is that it would be

desirable to provide antivirus software update distribution that allows a higher frequency of

update releases from antivirus software manufacturers for the most up-to-date antivirus

protection available (Hodges: column 4 line35-39). Therefore, it would have been obvious to one

having ordinary skill in the art at the time of applicant's invention t o combine the teachings of

Hodges within the system of Hypponen because it allows a central anti-virus server to perform

automated antivirus software update to different types of user node and provide most up-to-date

antivirus protection, thus enhance network security.

5.   As per claim 3, Hypponen discloses a network security system to be deployed between a

plurality of network (intranet) belonging to respective organizations and an internet backbone,

comprising: a scanning system coupled to the network (intranet) for scanning incoming

electronic mail for malicious code (Hypponen: [0005]-[0013]: the electronic mail server); a mail

proxy server for determining whether the incoming electronic mail is to be scanned for malicious

code and directing the incoming electronic mail to the scanning system when the incoming

electronic mail is determined to be scanned for malicious code (Hypponen: [0005]-[0028];

[0035]); and a switch coupled between the internet backbone, the scanning system, and the anti-

virus server, said switch configured for: directing incoming electronic mail from the internet

backbone to the mail proxy server (Hypponen: [0005]-[0013]: e-mail server). Hypponen does not

explicitly disclose an anti-virus server coupled to the network (intranet) for downloading anti-

virus code to clients coupled to the network (intranet). However, Hodges discloses a central anti-virus server that downloads anti-virus code to clients (Hodges: column 4 line 47 – column 5 line 43). It would have been obvious to one having ordinary skill in the art to have multiple servers performing different virus-related tasks that are coupled to the network (intranet) in order to protect clients from virus. The motivation for the teachings of Hodges is that it would be desirable to provide antivirus software update distribution that allows a higher frequency of update releases from antivirus software manufacturers for the most up-to-date antivirus protection available (Hodges: column 4 line35-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Hodges within the system of Hypponen because it allows a central anti-virus server to perform automated antivirus software update to different types of user node and provide most up-to-date antivirus protection, thus enhance network security.

6.   As per claim 5, 8, and 10, claims 5, 8, and 10 encompass the same scope as claim 1. Therefore, claims 5, 8, and 10 are rejected based on the reasons set forth in claim 1.

7.   As per claim 12 and 13, Hypponen as modified discloses a network security system according to claims 1 and 3 respectively. Hypponen as modified further discloses a hub in communication with the scanning system and the intranets, wherein the scanning system is further configured for sanitizing at least some of the incoming electronic mail addressed to recipients on the intranets and directing the sanitized incoming electronic mail to the recipients via the hub (Hypponen: [0037]-[0038]).

8.   As per claim 14 and 15, Hypponen as modified discloses a method according to claims 8

and 10 respectively. Hypponen further discloses the method comprising: sanitizing at least some

of the incoming electronic mail addressed to recipients on the intranets; and directing the

sanitized incoming electronic mail to the recipients on the intranets (Hypponen: [0037]-[0038]).

9.   Claims 2, 4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hypponen in view of Hodges and further in view of Almogy et al. U.S. Pub. No. 20020194489

(hereinafter Almogy).

10.   As per claim 2, 4, 7, and 9, Hypponen as modified discloses a network security system

according to claims 1, 3, 5, and 8 respectively. Hypponen as modified does not explicitly

disclose a decoy server coupled to the network (intranet) for masquerading as a legitimate server

and logging activity on communications received via the internet backbone; wherein the switch

is further coupled to the decoy server and is further configured for redirecting suspicious traffic

from the internet backbone to the decoy server. However, Almogy discloses a computer

configured with a decoy address in order to detect virus (Almogy: [0007]-[0013]). It would have

been obvious to one having ordinary skill in the art to have multiple servers performing different

virus-related tasks that are coupled to the network (intranet) in order to protect clients from virus.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of

applicant's invention because it increases the security of the network by detecting if there is any

abnormal activity involving the decoy address.

11.   Claim 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hypponen

in view of Hodges and further in view of Caccavale U.S. Pub. No. 20020129277 (hereinafter

Caccavale).

12.   As per claim 6 and 11, Hypponen discloses a network security system according to

claims 5 and 10 respectively. Hypponen as modified does not explicitly disclose wherein the

switches are further configured for: load-balancing among the scanning systems and among the

decoy servers. However, Caccavale discloses perform load-balancing procedure when there are

plurality of virus checking programs (Caccavale: [0012]). It would have been obvious to one

having ordinary skill in the art at the time of applicant's invention to combine the teachings of

Caccavale within the combination of Hypponen-Hodges because load-balancing is well known

in the art to prevent denial of service attack and it increases efficiency of the process.

Response to Arguments

13.   Applicant's arguments filed on 5/4/05 have been fully considered but they are not

persuasive.

14.   Regarding applicant's remarks, applicant argues that the Hypponen reference does not

disclose a scanning system **coupled to the intranets** and **plurality of intranets belonging to**

respective organizations. However, Hypponen discloses the transit node is coupled to a network

and the transit node can be coupled to an external network or the transit node may be an internal

node of the network (Hypponen: [0012]). On the other hand, the network can comprise a

plurality of nodes and some of the nodes may be network server of another intranets. Therefore,

one with ordinary skill in the art would apply the method disclosed by Hypponen in any

distributed environment.

15.   Applicant further argues that the prior arts of record do not discloses decoy server.

Applicant argues that the Almogy reference discloses "one or more decoy addresses are inserted

into either or both address book 102 and folder 104". However, Almogy discloses a virus

detection and containment system which include at least one computer configured with at least

one decoy address, and a server operative to identify activity occurring at the computer, the

activity involving the decoy address (Almogy: [0008]). The computers are being used as decoys

to detect viruses. Therefore, applicant's argument is respectfully traversed.

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen
Examiner
Art Unit 2131

SC

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